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PART I

Punjab Government Notifications and Orders

GOVERNMENT OF PUNJAB

DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT

(STE Branch)

NOTIFICATION

The 4th October, 2023

FUEL POLICY FOR THE INDUSTRIES OF STATE OF PUNJAB

No. 10/64/2020-STE4/469.-In order to address the problem of air pollution in the State of Punjab in accordance with the provisions of the Air (Prevention & Control of Pollution) Act, 1981, the Govt. of Punjab in consultation with Punjab Pollution Control Board (PPCB) has declared whole of the State of Punjab as 'Air Pollution Control Area' under section 19(1) of the Air (Prevention & Control of Pollution) Act, 1981 vide Notification no. SO21/C.A.14/81/ S.19/88 dated 02.03.1988;

And whereas, the Govt. of Punjab, vide Notification No.4/46/92-3ST/2839 dated 29.12.1993 has banned the use and burning of rubber scrap, tyre, oil sludge, acid sludge and loose rice husk as fuel, in the State of Punjab, as detailed below:

(I) Rubber in any form with effect from 1.4.1994;

(II) Process waste containing Sulphur and toxic substances with effect from 1.4.1994;

(III) Rice Husk (except in the form of fuel briquettes and use of rice husk in fluidized bed (combustion) as fuel in the air pollution control area with effect from 1.4.1994.

And whereas, the Govt. of Punjab & Punjab Pollution Control Board, from time to time, are taking all such measures which are required for the reduction and control of air pollution in the State of Punjab including the regulation and use of such fuels which may or may have an adverse impact on the quality of environment in the State;

And whereas, the usage of coal, pet coke, furnace oil and other fuels in the boilers/furnaces or in any other form by the industry, needs to be regulated due to presence of higher sulphur content leading to Sulphur Dioxide (SO₂) emissions in the ambient air, which may adversely affect the environment;

And whereas, the Hon'ble Supreme Court of India and the Hon'ble National Green Tribunal had also considered the matter relating to the use of pet coke and furnace oil and issued certain directions for compliance, whereupon the Central Pollution Control Board vide letter dated 23.8.2019 had issued directions under section 5 of the Environment (Protection) Act, 1986, to all the States and Union Territories including the State of Punjab for formulating and enforcing fuel policy regarding use of pet coke and furnace oil in the States/UTs. in light of various orders passed by Supreme Court regarding use of Pet Coke and Furnace Oil in Writ Petition (C) no. 13029/1985;

And whereas, according to the provisions of the Section 19(3) of the Air (Prevention & Control of Pollution) Act, 1981, if the State Government after consultation with the State Pollution Control Board, is of the opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date as may be specified in the notification;

And whereas, the State Government has considered the matter in the above background of the case in consultation with the Punjab Pollution Control Board and other stakeholder departments and is satisfied that the use of pet coke, furnace oil and other fuels is required to be regulated, so as to ensure that there is no adverse impact on the environment;

And whereas, the draft of Policy to prohibit the furnace oil and to regulate the use of pet coke and other fuels was considered at the highest level of the Government, wherein, the Hon'ble Chief Minister, Punjab has desired that final draft be put up after obtaining comments of all the stakeholders, concerned Departments/Agencies as well as general public;

And whereas, meetings/discussions were held with primary stakeholders (various Industrial Associations, Brick Kiln Associations, Thermal Plants operating in the State, M/s Guru Gobind Singh Refinery (Unit of HPCL Mittal Energy Ltd.), Talwandi Sabo Bathinda, Briquettes manufacturers, Brick kilns owners using briquettes & Boiler manufacturers for conversion of furnaces compatible for use of alternative fuels). The suggestions/inputs in the matter were also sought from the stakeholder departments/reputed institutes (Department of Industries & Commerce/ Transport/Agriculture/Food Supplies & Consumer Affairs/Power/New and Renewable Energy Resources/PSIEC/DECC/ PSCST/State Level Co-ordinator, IOCL/Custom Commissioner-ate Amritsar/ Ludhiana, IIT Roorkee/Ropar/Delhi/TIET/CSIR-IIP & CPCB);

And whereas, after considering the suggestions/inputs of various stakeholders, the draft fuel policy to prohibit the furnace oil and to regulate the use of Pet Coke and other fuels in the State was published by the Government of Punjab, Department of Science, Technology & Environment vide Notification No. STE-STEB-010/64/2020-STE (5/4) 455004 dated the 9th Nov, 2022, thereby inviting objections or suggestions on the proposal contained in the draft notification from all the stakeholders and persons likely to be affected thereby, within a period of 30 days from the date of publication of the said notification;

And whereas, the objections or comments received from various stakeholders including Industrial Associations/Individual Industries/CNG/PNG Supplier Companies and Government Departments within the stipulated period, were duly considered and amended policy by incorporating the suggestions/objections/comments received was put and displayed on the website of the Punjab Pollution Control Board for inviting objections or suggestions, within a period of 15 days. A public notice was also published in leading newspapers/vernacular dailies on 15.07.2023 in this regard;

And whereas, the additional objections or comments received within the stipulated period were duly considered by the State Government;

Now, the Government of Punjab after consultation with the Punjab Pollution Control Board, in exercise of the powers conferred under section 19(3) of the Air (Prevention & Control of Pollution) Act, 1981, hereby, issue the following fuel policy and guidelines for the prohibition of furnace oil, regulation of the use of pet coke and for promoting the cleaner fuels in the State of Punjab:

Guidelines for regulation and monitoring of Imported Pet Coke (IPC)

- (I) The guidelines issued by the Government of India, Ministry of Environment, Forest & Climate Change vide office memorandum no.Q-18011/54/2018-CPA dated 10.09.2018 for regulation and monitoring of imported pet coke in India in compliance to the directions of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 13029 of 1985 in the matter of M.C Mehta v/s Union of India and Others and in the exercise of the powers conferred under the Environment (Protection) Act, 1986 shall be applicable.
- (II) The import of pet coke for use as fuel is prohibited.
- (III) The import of pet coke is allowed to be used by the industries namely cement, lime kiln, calcium carbide and gasification for use as feedstock or in the manufacturing process only on actual user basis as per the conditions stipulated below:
 - a) Pet coke importing industries namely, cement, lime kiln, calcium carbide and gasification shall obtain the consent and registration from the State Pollution Control Board (SPCB).
 - b) Consent issued by the State Pollution Control Board shall clearly specify the quantity permitted for import and its use on a per month and per annum basis.
 - c) Only registered industrial units with valid consent from State Pollution Control Board as per clause (a) shall be permitted to directly import pet coke and consignment shall be in the name of user industrial units for their own use only.
 - d) Import of pet coke for the purpose of trading shall not be permitted.
 - e) Authorized importers of Pet coke shall furnish opening and closing stock of imported pet coke to the State Pollution Control Board on quarterly basis.
 - f) The State Pollution Control Board shall develop an electronic record system for uploading of consents, registration and record of use of imported Pet coke by industrial units, as mentioned above and the Board shall share this data with the Central Pollution Control Board on quarterly basis.
- (IV) The Supreme Court of India has further allowed the use of pet coke vide various orders passed in Writ Petition (Civil) no. 13029 of 1985 as under:
 - a) Import of needle pet coke is allowed for use in graphite electrode industry (order dated 6.9.2018);
 - b) Calcined Pet Coke (CPC) domestic as well as imported can be used as raw material for anode making in aluminum industry with revised BIS specifications and subject to condition that imported raw material cannot exceed 0.5 MT per annum in total (order dated 9.10. 2018);
 - c) Raw Pet Coke (domestic and imported) can be used as feed stock for producing Calcined Pet Coke (CPC) and the quantity for this purpose cannot exceed 1.4 MT/annum in total (order dated 9.10.2018);
- (V) Anyone using pet coke in consequence to the orders of Hon'ble Supreme Court given in point (IV) above shall comply with all conditions laid by Hon'ble Supreme Court for using such pet coke as well as notified by the PPCB from time to time.

Guidelines for use of Pet Coke for Boilers/Furnaces

- (I) The industry shall provide well designed two stages desulphurization i.e. at combustion stage and of flue gas emissions and install adequate air pollution control device so as to contain the Particulate Matter (PM) and gaseous emissions specifically Sulfur Dioxide (SO₂) as per the limits mentioned below:
- a) Particulate Matter (PM): as prescribed by the MoEF&CC depending upon the source (Boller or type industry)
 - b) Sulfur Dioxide(SO₂):400mg/Nm³ Wherever, any industry specific standards are prescribed by the MoEF&CC CPCB/State Govt./PPCB same shall prevail.
 - c) Mitigation measures to contain SO₂, NO_x, particulate matter and other parameters shall remain applicable for Thermal Plants and other industries for which industry specific standards/guidelines have been laid down by the MoEF&CC/Central Government.
- (II) The industry shall install online monitor for SO₂, with the stack equipped with an alarm system to alert the boiler/APCD operator, in case, the concentration of SO₂, increases beyond the prescribed standard of 400 mg/Nm³ so as to take necessary mitigation measures to bring the SO₂, emission within the prescribed limits.
- (III) The industry shall provide a stack of height calculated by using the formula $H=14Q^{0.3}$, where Q is the emission rate of SO₂, in kg/hr and should be calculated by using the volume of flue gas emissions and the standards for SO₂, (400 mg/Nm³) or 30 meters, whichever is higher.
- (IV) The industry shall provide adequate and appropriate treatment to the bleed off/ purge wastewater being discharged from the scrubber. The sludge produced in the recirculation tank of the scrubbing liquor shall be disposed of in an environmentally sound manner.
- (V) The industry shall follow the standard operating practices prescribed by MoEF&CC/CPCB/PPCB issued from time to time to contain SO₂, particulate matter and other parameters within the prescribed limit.

Prohibition on the use of Furnace Oil and alternate fuels

- (I) Furnace oil and any other liquid oil containing high Sulfur contents (exceeding 1.8% by weight) shall not be allowed to be used as fuel.
- (II) Only specified liquid fuels marketed and supplied by the oil companies authorized by the Government of India, including Low Sulfur Heavy Stock (LSHS), Light Diesel Oil (LDO) and Propane, Butane etc. having sulfur content not exceeding 1.8% by weight shall be allowed.
- (III) No oil company shall supply furnace oil and any liquid fuel having high sulfur content in the State except the liquid fuels/oil allowed at Sr. No. (II) above.
- (IV) The industry shall provide a stack of adequate height calculated by using the formula $H=14Q^{0.3}$, where Q is the emission rate of SO₂, in kg/hr. Where providing all stacks are not feasible using above formula, a minimum stack height of 11 meters is to be provided considering the emission standards for SO₂, as 400 mg/Nm³.
- (V) The industry shall follow the standard operating practices prescribed by MoEF&CC/CPCB/PPCB issued from time to time and provide appropriate and adequate emission control/treatment systems so as to contain SO₂, particulate matter and other parameters within the prescribed limit.

- (VI) Carbon Black Feed Stock (CBFS) or its sub types including acetylene black, channel black, furnace black, lamp black and thermal black etc. shall not be used as fuel in boilers, furnaces, brick kilns or anywhere as a source of energy generation.

Cleaner and Eco-Friendly Fuels

- (I) State Government/PPCB in its endeavor to save natural resources shall take appropriate steps for replacement of its conventional natural energy resources like coal, wood etc. in phased manner with cleaner fuels (CNG/PNG/LPG/CBG/electricity/solar/wind etc.), biomass fuels and fuels having low sulfur content in industrial units as well as in brick kilns, wherever possible.
- (II) Upon the availability of supply of CNG/PNG/CBG etc. in various geographical areas of the state by the respective licensees authorized by the Petroleum and Natural Gas Regulatory Board (PNGRB), the State Government in consultation with the State Pollution Control Board shall issue appropriate directions and timelines to the industries and other stakeholders for conversion to such cleaner fuels considering techno-economic and legal feasibility.
- (III) Use of bio-mass specifically paddy stubble in raw form, torrefied form, briquettes, palettes, or any other modified form including blending with other acceptable fuels shall be encouraged for their use as fuel for boilers/furnaces in controlled/regulated conditions as approved by the State Pollution Control Board on case to case basis.
- (IV) Renewable energy sources like solar/wind energy etc. shall be incentivized, wherever possible by the concerned departments.
- (V) Provisions of notification issued by the Department of Science, Technology & Environment vide notification No.10/512/2021-STE(3)/2075 dated 27.8.2021 as amended and subsequent notifications issued by various departments of the Government of Punjab with regard to the encouragement of the usage of paddy straw as fuel shall be applicable.
- (VI) All Industrial units using solid fuel and located within one hundred km from a solid waste based Refused Derived Fuel (RDF) plant shall make arrangements to replace at least five percent of their fuel requirement by RDF so produced (torrified, non-torrified, fuel briquettes, pellets or loose form as per feasibility), as prescribed under the Solid Waste Management Rules 2016.
- (VII) Due to dynamics of cost and availability of fuels based on international markets, State Government in consultation with PPCB shall be empowered to permit usage of alternative fuels for a limited period based on techno-economic feasibility as per the prevailing scenario to ensure the sustainability of industrial sector in the state.

And whereas, this Fuel Policy of the State shall be subject to the compliance of further orders of the Hon'ble Supreme Court of India in WP(C) no. 13029 of 1985, judgments and orders passed by Hon'ble National Green Tribunal or any other judicial/ quasi-judicial authority from time to time, office memorandums, guidelines and notifications issued by the Ministry of Environment, Forest & Climate Change (MOEF&CC), Central Pollution Control Board (CPCB) and the Commission for Air Quality Management in National Capital Region (NCR) and Adjoining Areas (CAQM), State Government or Punjab Pollution Control Board including those issued under National Clean Air Programme (NCAP) and under the action Plans prepared by the State/Central Government for the clean air.

Needless to say that any order already passed or to be passed by the Hon'ble Supreme Court of India, Hon'ble High Court or Hon'ble National Green Tribunal shall supersede any provision of this policy, if such

provision is not in consonance with such order.

In case of failure to comply with the provisions of this notification, action in accordance with the provisions laid down under Air (Prevention & Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and under other relevant environmental laws shall be taken. against the violators.

That provisions of Air (Prevention & Control of Pollution) Act, 1981 shall be applicable on this policy.

Sd/-

Chandigarh

The 4th October, 2023

Secretary to Government of Punjab,

Department of Science, Technology & Environment